

**SEMINOLE COUNTY GOVERNMENT  
AGENDA MEMORANDUM****SUBJECT:** Affordable Housing Advisory Committee (AHAC) Recommendations**DEPARTMENT:** Community Services**DIVISION:** Community Assistance**AUTHORIZED BY:** Joe Forte**CONTACT:** Buddy Balagia**EXT:** 2389**MOTION/RECOMMENDATION:**

Presentation to the Board regarding the AHAC's recommendations to reduce the cost of affordable housing for lower income households.

County-wide

Buddy Balagia

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**BACKGROUND:**

On June 24, 2008 the Board of County Commissioners (Board) created the Affordable Housing Advisory Committee (AHAC) to make specific recommendations to the Board to reduce the cost of housing for very low, low, and moderate income households (up to 120% of the area median income) in Seminole County. The creation of the AHAC and consideration of its recommendations is a pre-requisite to receiving future State Housing Initiatives Partnership (SHIP) Program funding.

The AHAC held three (3) public meetings, at which they developed a number of monetary and non-monetary recommendations to promote the development of affordable housing in Seminole County. Those recommendations are depicted on the attached spreadsheet. Planning Division staff attended the meetings and provided guidance and input, particularly on items relating to land use, zoning, and process management. The AHAC's recommendations were primarily an endorsement of existing (and newly-created) Comprehensive Plan policies transmitted by the Board in July 2008, and other existing County policies. A memorandum from Sheryl Stolzenberg of the Planning Division, which comments on particular AHAC recommendations, is also attached.

At a minimum, the County must have two (2) policies:

- Expedited permitting for affordable housing; and
- An ongoing review of policies, procedures, ordinances, regulations, or plan revisions that increase the cost of housing.

Regarding the former requirement, the Planning and Development Department provides expedited review for proposed affordable housing developments by allowing concurrent review/approval of the respective structures and site plans.

Regarding the latter requirement, the Comprehensive Plan Evaluation and Appraisal Report (EAR) process provides such review every five (5) years for all Plan elements, including the Housing and Future Land Use Elements. Also, the Land Development Code is being updated and will include updated provisions for affordable housing projects.

By State regulation, the AHAC's recommendations are due to the Board by December 31,

2008, and the Board has 90 days from that date to amend the County's Local Housing Assistance Plan (LHAP) to incorporate any approved incentives. Subsequently, a final report is due to the Florida Housing Finance Corporation by May 2, 2009. The AHAC is charged with evaluating the implementation of approved recommendations on a triennial basis.

**STAFF RECOMMENDATION:**

Presentation to the Board regarding the AHAC's recommendations to reduce the cost of affordable housing for lower income households.

**ATTACHMENTS:**

1. AHAC Recommendations
2. Commentary
3. Public Comment

**Additionally Reviewed By:**

☒ County Attorney Review ( Arnold Schneider )

## **Seminole County Affordable Housing Advisory Committee List of Strategy Recommendations**

The function of the Affordable Housing Advisory Committee (AHAC): to recommend monetary and non-monetary incentives for Affordable Housing production to meet housing needs (market demand) of existing and future residents.

The following policies are recommended by the AHAC for furthering the development and preservation of affordable housing in Seminole County.

### **Vision 2020 Comprehensive Plan - Housing Element Policies Supported by the AHAC:**

#### *Private Sector Housing Delivery Policy HSG 1.1 - Streamlined Development Review*

The County shall continue the reduction of financing costs for residential developers by maintaining its streamlined development approval process through organization and technology enhancements.

#### *Private Sector Housing Delivery Policy HSG 1.2 - Expedited Affordable Housing Review*

The County shall continue to provide an expedited priority for affordable housing developments throughout the development review process.

#### *Private Sector Housing Delivery Policy HSG 1.3 - Federal / State / Local Program Impact*

The County shall continue the existing state-mandated process of reviewing new federal, state and local housing regulations to determine their impacts on the cost of local housing production.

#### *Private Sector Housing Delivery Policy HSG 1.4 - Parcel Location Assistance*

The County shall assist affordable housing developers in locating appropriate parcels for housing development through the existing "Future Land Use and Committed Land Use" publication and by updating the vacant land use, acquisition area, and infrastructure maps and inventories on a quarterly basis.

#### *Private Sector Housing Delivery Policy HSG 1.5 - Developments*

The County shall provide incentives for building a variety of affordable and workforce housing types at appropriate densities on lands allowing residential and mixed use development.

#### *Private Sector Housing Delivery Policy HSG 1.6 - Infill Development - Near Infrastructure*

The County shall encourage plan amendments for medium to high-density residential developments and mixed residential developments on infill and redevelopment parcel

areas. Design standards in the Land Development Code shall ensure compatibility with surrounding areas.

*Housing Stock Preservation HSG 2.1 - Clearance Program*

The County shall eliminate vacant dilapidated housing as soon as practical through the continuation of code enforcement activities using federal resources including the demolition of dilapidated structures, when appropriate.

*Housing Stock Preservation HSG 2.2 Rehabilitation*

The County shall improve the existing housing stock on a countywide basis by continuing the use of Community Development Block Grant (CDBG), HOME Investment Partnerships, State Housing Initiatives Partnership (SHIP) Program Funds, and Community Workforce Housing Initiatives Partnership (CWHIP.)

*Housing Stock Preservation HSG 2.3 Homeowner Assistance*

The County shall continue to encourage individual homeowners to increase private reinvestment in housing by providing information on available programs; providing technical assistance and by continuing the use of CDBG funds for infrastructure improvements and community facilities.

*Housing Stock Preservation HSG 2.4 Development Compatibility Standards*

The County shall maintain compatibility between new developments and existing neighborhoods through the application of land use intensity and design standards.

*Housing Stock Preservation HSG 2.5 Public Awareness Programs*

The County shall continue its public awareness programs.

*Affordable Housing HSG 3.1 Adequate Sites for Affordable Housing*

The County shall work with and meet with its affordable housing providers (both non-profit and for-profit) on a regular basis to assist in the identification and location of adequate sites for affordable housing.

*Affordable Housing HSG 3.2 Housing Information Service*

The County shall continue to make available land use, housing and housing agency services information to assist households (including homeless persons and families) in finding adequate housing and / or shelter, and to assist non-profit and for profit developers in locating suitable development sites for affordable housing.

*Affordable Housing HSG 3.3A Affordable Housing Density Bonus - Seven Dwelling Units*

The County shall enforce Land Development Code provisions relating to the Alternative Density Option to encourage development of affordable housing opportunities that include provisions for allowing development up to seven (7) dwelling units per net buildable acre under both conventional and planned unit development zoning classifications.

*Affordable Housing HSG 3.3B Affordable Housing Density Bonus - Sliding Scale*

The County shall enforce Land Development Code provisions relating to the Alternative Density Option to encourage development of affordable housing opportunities that include provisions for providing a density bonus on a sliding scale based on the percent of units priced for moderate, low, and very low income households provided for on the development site.

*Affordable Housing HSG 3.3C Affordable Housing Density Bonus - Reduced Lot Size*

The County shall enforce Land Development Code provisions relating to the Alternative Density Option to encourage development of affordable housing opportunities that include provisions for allowing reduced lot sizes and open space requirements, duplex, zero-lot line, and triplex structures, and cluster developments.

*Affordable Housing HSG 3.3D Affordable Housing Density Bonus Integration Standards*

The County shall enforce Land Development Code provisions relating to the Alternative Density Option to encourage development of affordable housing opportunities that include provisions for standards to ensure the integration of conventional and lower income units to prevent the undue concentration of lower income units within the development site.

*Affordable Housing HSG 3.3E Affordable Housing Density Bonus Streamlined Binding*

The County shall enforce Land Development Code provisions relating to the Alternative Density Option to encourage development of affordable housing opportunities that include provisions for requiring a streamlined binding site plan process for both conventional zoning sites and planned unit developments to address issues of compatibility with surrounding neighborhoods.

*Affordable Housing Density Bonus - Binding Affordability*

The County shall enforce Land Development Code provisions relating to the Alternative Density Option to encourage development of affordable housing opportunities that include provisions for requiring a binding affordability agreement to ensure units are delivered to very low, low, and moderate income buyers and renters.

*Affordable Housing HSG 3.3G Affordable Housing Density Bonus - Day Care and Group Homes*

The County shall enforce Land Development Code provisions relating to the Alternative Density Option to encourage development of affordable housing opportunities that include provisions for conditions under which day care and group homes should be allowed when designed to serve the needs of the development site.

*Affordable Housing HSG 3.4 Elderly Housing*

The County shall increase the supply of housing suitable for and affordable by elderly households by continuing to support SHIP, HOME, Orange County Housing Finance Authority, and Florida Housing Finance Corporation financed projects.

#### *Affordable Housing HSG 3.5 Farm Worker Housing*

The County shall, based on market demand, work to provide a sufficient number of decent, safe, sanitary and affordable farm labor housing units for migrant farm workers as conditional use in certain zoning classification, subject to special criteria.

#### *Affordable Housing HSG 3.6 - County Owned Property*

Beginning in 2007, and every 3 years thereafter, the County shall prepare an inventory list of all real property within its jurisdiction to which the county holds fee simple title that is appropriate for use as affordable housing. The properties identified as appropriate for use as affordable housing on the inventory list adopted by the County may be:

1. Offered for sale and the proceeds used to purchase land for the development of affordable housing, or
2. Used to increase the local government fund earmarked for affordable housing, or
3. May be sold with a restriction that requires the development of the property as permanent affordable housing, or
4. May be donated to a nonprofit housing organization for the construction of permanent affordable housing, or
5. The county may otherwise make the property available for use for the production and preservation of permanent affordable housing.

#### *Workforce Housing Policy HSG 4.1 - Employer Assisted Housing*

The County shall engage and partner with major employers in regard to providing housing assistance to eligible employees. Strategies available to the County include partnering with private organizations in recruitment efforts, extending education to organizations on available programs, and pursuit of public-private partnerships that leverage resources such as the state's Community Workforce Housing Innovation Pilot (CWHIP) Program.

#### *Workforce Housing Policy HSG 4.2 - Optional Nonresidential Intensity Bonuses and Workforce Housing*

The Future Land Use Element of the Comprehensive Plan will be amended to permit a commercial intensity bonus (typically measured in units of Floor Area Ratio, or FAR) in select future land use designations in exchange for providing workforce housing units as part of a Mixed Use or Planned Unit Development. This intensity bonus is intended to provide an incentive to developers for providing workforce housing in locations where it is deemed both desirable and advantageous to Seminole County, and to enable the County to ensure a range of obtainable housing opportunities and choices in support of the Central Florida Regional Growth Vision.

#### *Workforce Housing Policy HSG 4.4 - Mixed Residential Development*

By January 1, 2010, develop and adopt into the County's Land Development Code mixed residential zoning standards that allow for a full range of housing types (e.g. condominiums, town homes, single family) to be developed, by right, within the same project.

*Public Private Partnership HSG 5.1 - Affordable Housing Trust Fund*

The County shall continue to maintain its federal/state funded Affordable Housing Trust Fund to purchase and "write down" the cost of land, impact fees, supporting infrastructure and other supplement housing delivery costs as a means of encouraging non-profit and for-profit developers to build and otherwise provide housing for very low, low, and moderate income households.

*Public Private Partnership HSG 5.2 - Finance Authorities*

The County shall provide affordable housing financing assistance for both single family and multifamily units and developments by continuing to participate with the Orange County Housing Finance Authority, local public housing authorities, and the Florida Housing Finance corporation.

*Public Private Partnership HSG 5.3 - Homeless Assistance*

The County will continue to use Emergency Shelter Grants Program (ESGP) funding and other appropriate funding earmarked for homeless assistance to provide financial, food, and shelter assistance to individuals and families, provide assistance for homeless persons to make the transition to permanent homes, and to prevent homelessness. The County will continue to cooperate with the Regional Commission on Homelessness.

*Historic Housing HSG 6.1 - Master Site File Update*

The County shall periodically update the County's portion of the Florida Master Site File by continuing to assist the Department of State Division of Historical Resources' efforts in this regard.

*Historic Housing HSG 6.2 - Historic Housing Identification*

The Housing Information Service shall continue to assist property owners in the identification of historically significant housing and in locating, applying for and using any state and federal assistance programs, including rehabilitation and adaptive reuse programs.

*Manufactured Housing and Mobile Homes HSG 7.1 Zoning Classifications*

The County shall continue to allow modular homes as a permitted use in all single family residential zoning classifications. Manufactured/mobile homes shall continue to be allowed subject to applicable land development code provisions.

*Displacement / Relocation HSG 8.1 - Policy Plan*

The County shall continue to maintain a federally mandated and locally enforced anti-displacement and relocation assistance policy plan that insures that reasonable located standard and affordable replacement housing is offered to persons displaced through County action or County funding prior to their displacement.

*Group and Foster Homes HSG 9.1 - Group Homes*

The County shall continue to allow for the development of non-exempt group homes as a conditional use within all single family residential zoning districts.

#### *Group and Foster Homes HSG 9.2 - Foster Homes*

The County shall encourage residential alternatives to institutionalization by maintaining state-mandated non-discriminatory standards and criteria regarding the location of foster homes licensed by the Florida Department of Children and Families.

#### *Group and Foster Homes HSG 9.3 - Design Standards*

The County shall maintain state-mandated group home placement criteria, to ensure the maximum compatibility between group homes and conventional residential development.

#### *HSG 10.1 - Housing Program Implementation*

The County's Community Services Department shall continue to be the lead agency to formulate a coordinated affordable housing development and assistance program and administer the County's various housing and community development/redevelopment activities.

### **Non-Comprehensive Plan Policies:**

#### *Impact Fee Waivers or Modifications - Reduction of fees or Waivers*

In urban high density areas where an existing infrastructure is being utilized, the County will consider the feasibility of eliminating impact fees for senior and affordable housing through a waiver or exemption.

#### *Impact Fee Waivers or Modifications - Reduction of fees or Waivers*

In an infill situation where infrastructure already exists, the County will consider the feasibility of eliminating impact fees for senior or affordable housing through a waiver or exemption.

#### *Impact Fee Waivers or Modifications - Recalculate fee for seniors*

In larger developments where no infrastructure currently exists or must be upgraded due to growth and suburban development, the County will consider a number of exemptions to be implemented similar to those used in property tax assessments – i.e., senior citizen exemption, handicap exemption, or low income exemption (for dedicated properties).

#### *Impact Fee Waivers or Modifications - Reduction of fees or Waivers*

In calculating impact fees which would reduce, subsidize or exempt impact fees for residential dwelling units ("DU"), the County will create additional designations that could be added to the existing structured fee schedule based on the type of residential dwelling unit, i.e., educational system impact fees, single family, multi family, disabled, senior, or mobile home.

#### *Density Flexibility - Zoning Changes*

The County shall assign a technical adviser that could expedite the rezoning process to reduce the amount of time it takes to obtain the R-AH (or similar) zoning classification.



*Prioritize State Legislative Lobbying*

The County shall support retaining the full amount of dedicated documentary tax revenues towards state and local affordable housing programs.

*Prioritize State Legislative Lobbying*

The County shall oppose Legislative efforts that restrict or otherwise limit county home rule authority to use linkage fees for affordable housing.

*Prioritize State Legislative Lobbying*

The County shall consistently consider the lobbying needs of its affordable housing initiatives and participate in activities with like-minded groups as appropriate.

*Incentive Program - Nonresidential (Commercial) Intensity Bonus in Exchange for Affordable Housing Units*

The County shall explore further whether Commercial Intensity Bonuses can be adopted when the developer assists, partners, or funds in the creation of affordable housing units.

*Public-Private Partnerships*

The County shall facilitate the establishment of collaborative partnerships between the County, developers, community, service providers, and nonprofit agencies.

*Linkage Fee Program*

The County shall explore further whether to adopt or create a Linkage Fee for the affordable housing program to fund a land bank.

*Mentoring - Technical Training*

The County shall provide technical training to nonprofit agencies and developers who provide affordable housing.

*Mentoring - Community Outreach*

The County shall establish and/or further promote outreach and awareness programs, advocacy, and marketing for affordable housing providers.

*LEED Certified Energy Efficiency*

The County shall encourage and promote LEED-Certified Energy Efficiency development in all affordable housing.

**PLANNING AND DEVELOPMENT DEPARTMENT**  
**PLANNING DIVISION**



**To:** Joseph Forte, Deputy County Manager  
**CC:** Alison Stettner, AICP, Planner Manager

**From:** Sheryl Stolzenberg, Principal Coordinator, Long Range Team

**Date:** October 28, 2008

**Re:** Planning Staff review of Report of the Affordable Housing Advisory Committee  
Strategy Recommendations

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**BACKGROUND**

At the direction of your office, the Long Range Planning Team reviewed the Report of the Affordable Housing Advisory Committee (Committee). Our review is based on an evaluation of the recommendations in terms of ongoing County programs, as well as the current Evaluation and Appraisal Report (EAR)-based amendments to the Comprehensive Plan and update of the Land Development Code. The review is divided into sections dealing with such issues as Impact Fees and processing of applications, and issues relating to Long Range Planning.

**ISSUES DEALING WITH IMPACT FEES**

The Committee report recommends that impact fees for senior or affordable housing should be eliminated through a waiver or exemption in an 'infill' situation where services already exist. Through consultation with the staff of the Environmental Services Department (Water and Sewer Division), we found that this Department offers some procedures regarding connection and capacity fees in developed areas:

1. On sites where an existing building on a site has already paid those fees, and only connection modifications are required, the cost can be lower or not needed.
2. However, if the Board of County Commissioners wishes to address the issue on sites where no previous connections had been made, capacity and connection fees can be paid from General Revenue funds and not from Enterprise Funds. A pool of funds has not been set aside to perform this function, according to best available information.

A second Committee recommendation regarding impact fees is a finding that, where no infrastructure exists for a larger development, the County should consider exemptions from impact fees similar to those used for property tax exemptions. Committee members stated that other jurisdictions do grant such waivers. Staff findings were the following:

1. For instances where other jurisdictions acknowledge a goal to achieve affordable housing and a concern that impact fees may prevent affordability, a fund is set aside through General Revenue to pay for road impact fees and other types of impact fees. Since impact fees are often used as a basis for sale of bonds for road improvements, funds are still needed to support those bonds.
2. Seminole County has annually budgeted \$20,000 of General Revenue funds to pay road impact fees for affordable housing projects. To date, the funds have not been exhausted each calendar year, but if this were to occur, staff could request a replenishment of the pool.

3. Payment by the local jurisdiction from General Revenue, rather than a waiver or exemption, avoids the incorrect conclusion that an affordable housing development does not need services or needs less in the way of service than market housing. All housing needs services. In addition, impact fees paid by market housing cannot be used to pay for the impacts of affordable housing, because an impact fee can only be assessed on the actual impact of a development proposal.
4. Only in the instance of bona fide housing for the elderly can an impact fee for schools be waived, because students will not be generated. The Board of County Commissioners had previously expressed support for this approach.
5. The Committee had recommended that impact fees should be calculated based on the type of housing proposed (i.e., single family, mobile home, apartments, etc.) Impact fees are presently calculated based on the type of dwelling unit.

## **ISSUES DEALING WITH PROCESSING OF AFFORDABLE HOUSING APPLICATIONS**

The Committee had supported existing policies in the Housing Element of the Seminole County Comprehensive Plan that call for an expedited development review process and priority review for affordable housing projects. The policies are included in the Comprehensive Plan as a response to requirements of state law, which provides no definition of either 'expedited' or 'priority'.

1. The Planning and Development Department moves applications through the development process at all reasonable speed, but care is always taken to ensure compliance with regulations. The safety of those who live in or work in a building remains the ultimate priority.
2. In addition, unless steps are taken to change the Concurrency Management process, applications seeking concurrency are reviewed on a first-come-first-served basis.

The Committee recommended a 'technical advisor' to expedite the zoning process for developers, 'to reduce the amount of time it will take to obtain the R-AH zoning'.

1. First, a technical advisor or ombudsmen to explain all available housing projects had been a recommendation of the Workforce Housing Task Force that was appointed by the Board of County Commissioners as a result of the findings of the EAR. Due to concerns about hiring additional staff, this was not a recommendation supported by the BCC. A staff team of Community Service and Current Planning staff may be able to develop an easier 'Guide to the Development of Affordable Housing', and staff are available through the pre-development review process to provide information.
2. Secondly and more critically, the ongoing EAR-based Comprehensive Plan amendment process and the update of the Land Development Code (LDC) are replacing the R-AH zoning district. The new proposal is the Residential Mixed (RMX) district. The new district will allow a mixture of housing types and lot sizes within a development – thus allowing for affordable housing. However, the perimeter of the development will consist of houses that are the same as the abutting neighborhoods. The proposal will provide for a mixture of incomes within a development, but not a development that is 100% affordable housing.

## **ISSUES DEALING WITH THE EAR BASED COMPREHENSIVE PLAN AMENDMENT PROCESS AND THE UPDATE OF THE LAND DEVELOPMENT CODE**

As noted above, the Committee supports a zoning district and a policy direction that is not consistent with the current direction of long range planning. Only one development had made use of the R-AH zoning district. A district that is 100% affordable housing can be financially difficult for the private sector, but it is also not consistent with the Goals of the State Plan, Regional Policy Plan and the

Seminole County Comprehensive Plan that seek to avoid concentrations of income levels and hope to foster income mixtures. This is especially important in view of the fact that few large tracts of vacant, undeveloped land remain available in the unincorporated area.

Future development of affordable housing will need to take place on infill parcels and within areas in need of redevelopment. (As such, the Committee's recommendation in support of an older goal of the County – quarterly update of vacant land maps – will not produce a valuable resource for developers seeking tracts of land for large-scale affordable housing developments.) Of greater significance is the fact that affordable housing will need to fit into a more tightly developed, urban environment.

Accordingly, the direction of a mixture of housing types allowing for a mixture of incomes appears a more productive direction.

## **PUBLIC COMMENT**

*Offered at the Public Hearing administered by the Affordable Housing Advisory Committee (AHAC)*

*On November 10, 2008*

One commenter commented upon the removal of the Housing Element Policy to fund Florida Community Partners (FCP) to recycle affordable housing funding. He stated that, without this type of practice, Seminole County is missing an opportunity to recycle repaid loan proceeds into additional affordable housing projects. He cited the funding of a loan in 2001, through FCP, to Seminole Pointe Apartments as an example, where the loan principal of \$600,000 is currently being repaid to FCP, who then returns it to the County. This, he said, is particularly useful in a slow housing market. He suggested that the policy be re-worded to encourage, and not require, such funding, and not to specify any particular agency, but to leave the County's options open.

Another commenter expressed displeasure in the recent process the County used in accepting applications for purchase assistance. She said that, requiring applicants to stand in line caused a line to form the afternoon preceding the acceptance date, and that there were no restrooms or security provided. She stated that, rather, lenders should submit applications as they are prepared.